

In the Matter of )  
 )  
Implementation of Interim Electronic )  
Filing Procedures for Certain Commission Filings )

## ORDER

**Adopted: June 18, 2007**

**Released: June 20, 2007**

By the Commission:

1. In 2001, the Commission adopted interim procedures to permit the electronic filing (*i.e.*, by facsimile or e-mail) of certain pleadings.<sup>1</sup> By this *Order*, we rescind those interim procedures.

2. By *Order* released November 29, 2001, the Commission amended its procedural rules “on an emergency, interim basis” to permit certain pleadings<sup>2</sup> to be filed electronically (*i.e.*, by facsimile or e-mail)<sup>3</sup> “[u]ntil further notice.”<sup>4</sup> It adopted these procedures in response to “recent emergency events in Washington, D.C., resulting in the unforeseeable and understandable disruption of regular mail delivery and of the processing of other deliveries due to the threat of contamination,”<sup>5</sup> *i.e.*, the discovery of anthrax contamination on Capitol Hill and at certain U.S. Postal Service mail processing facilities, and the consequent delay in mail processing due to quarantine and cleansing procedures associated with the anthrax contamination.<sup>6</sup> The Commission stated, “[T]hese emergency procedures are adopted on a

<sup>1</sup> See Implementation of Interim Electronic Filing Proceedings for Certain Commission Filings, *Order*, 16 FCC Rcd 21483 (2001) (*Interim Procedures Order*). The *Interim Procedures Order* was published in the *Federal Register* on December 4, 2001. 66 Fed. Reg. 62991 (2001).

<sup>2</sup> The *Interim Procedures Order* applied to the following types of pleadings: (i) petitions to deny filed pursuant to Section 309 of the Communications Act of 1934, as amended (Act), 47 U.S.C. § 309; (ii) petitions for reconsideration filed pursuant to Section 405 of the Act, 47 U.S.C. § 405; (iii) applications for review filed pursuant to Section 5(c)(4) of the Act, 47 U.S.C. § 155(c)(4); (iv) informal requests for Commission action involving pending applications filed pursuant to Section 1.41 of the Commission's Rules, 47 C.F.R. § 1.41; (v) petitions to amend the TV and FM Broadcast Table of Allotments and responsive pleadings; and (vi) comments or oppositions to open video system certification made pursuant to Section 76.1502(e)(1) of the Commission's Rules, 47 C.F.R. § 76.1502(e)(1). *Interim Procedures Order*, 16 FCC Rcd at 21483 ¶ 2.

<sup>3</sup> The *Interim Procedures Order* provided a telephone number to which pleadings could be sent by facsimile, and e-mail addresses to file pleadings with each of the Commission's Bureaus. *Interim Procedures Order*, 16 FCC Rcd at 21484 ¶ 5.

<sup>4</sup> *Id.* at 21485 ¶ 8.

<sup>5</sup> *Id.* at 21483 ¶ 1.

<sup>6</sup> See Implementation of Interim Filing Procedures for Filings of Requests for Review, *Order*, 18 FCC Rcd 490, 492 ¶ 6 (2003); FCC Announces Disposition of Certain Mail, *Public Notice*, No. 220693, at 1 (OMD rel. Mar. 8, 2002).

temporary basis only, and will be discontinued when normal U.S. Mail delivery resumes.”<sup>7</sup>

3. We note that mail delivery in the Washington, D.C., area has improved,<sup>8</sup> and that the United States Postal Service has greatly reduced the delay in processing mail. We also note that the Commission has expanded its electronic filing capabilities,<sup>9</sup> and implemented its own processes to combat the threat of contamination of incoming mail.<sup>10</sup> Given these circumstances, we conclude that the interim electronic filing procedures adopted by the Commission in 2001 are no longer necessary. Accordingly, we rescind those procedures, effective ninety days after publication of this *Order* in the *Federal Register*.<sup>11</sup> Thereafter, filings will no longer be accepted by facsimile or e-mail, unless specifically authorized by the Commission’s Rules.<sup>12</sup>

4. Accordingly, IT IS ORDERED that, pursuant to the authority of Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), the interim electronic filing procedures adopted in *Order* FCC 01-345, 66 Fed. Reg. 62991 (2001), ARE RESCINDED.

5. IT IS FURTHER ORDERED that this *Order* shall become effective ninety days after publication in the *Federal Register*.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

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<sup>7</sup> *Interim Procedures Order*, 16 FCC Rcd at 21484 ¶ 2.

<sup>8</sup> See, e.g., Guy Taylor, *Brentwood ‘back to normal,’* The Washington Times, June 28, 2004 (“‘We’re operating back to normal,’ said Deborah Yackley, a Postal Service spokeswoman.”).

<sup>9</sup> See Wireless Telecommunications Bureau Enhances the Commission’s Universal Licensing System to Implement Electronic Filing for Pleadings, *Public Notice*, 21 FCC Rcd 424 (WTB 2006).

<sup>10</sup> Since the time that anthrax was discovered in the U.S. mail, the mail to the FCC has been processed at an off-site location; it also is irradiated before being brought to the FCC. See Implementation of Interim Filing Procedures for Filings of Requests for Review, *Order*, 18 FCC Rcd 490, 491 n.8 (2003).

<sup>11</sup> This includes elimination of interim facsimile number 202-418-0187 and the following Office of the Secretary Bureau and Office e-mail addresses: MMBSecretary@fcc.gov; WTBSecretary@fcc.gov; CCBSecretary@fcc.gov; CSBSecretary@fcc.gov; IBSecretary@fcc.gov; EBSecretary@fcc.gov; OtherSecretary@fcc.gov.

<sup>12</sup> See, e.g., 47 C.F.R. § 0.461(d)(1) (permitting electronic filing of Freedom of Information Act requests).